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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

AKPATI, ODAICHE T

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 04/01/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/484,418

Applicant(s)

BARTZ, RUEDIGER

Examiner

Tracey Akpati

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/13/04 and 1/14/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-16 were pending. The communication filed on 1/14/04 amended claims 1, 5-8 and added claim 17. Claims 1-16 are pending. Claim 17 is allowed.

Response to Arguments

2. With respect to Claim 1, the attorney argues over the new limitation added. This new limitation is rejected as shown below. Further arguments by the attorney have been considered by the examiner and are hence moot.

Drawings

3. New corrected drawings submitted 1/14/04 are approved by the examiner. An official copy is hereby requested to expedite the processing of the allowed claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 3, 5, 6, 7, 8, 9,10,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkmeyer et al (5838251) in view of Brinkmeyer et al (US2001/0028295 A1).

With respect to Claim 1, the limitation “a method for authenticating a spare vehicle key to be used with a vehicle in the absence of a regular key” is met by Brinkmeyer et al (5838251) on column 1, lines 8-24.

The limitation “providing the spare vehicle key with an identification number; checking the transmitted identification number by the central station; and authenticating the spare vehicle key and sending an authorization signal from the central station to the vehicle” is met by Brinkmeyer et al (5838251) on column 3, lines 45-52. Further limitation of “transmitting said identification number to a central station from a source other than from the vehicle” is met by Brinkmeyer et al (5838251) on column 6, lines 5-12.

Brinkmeyer et al (5838251) however does not expressly disclose the limitation disclosed below. Brinkmeyer et al (US2001/0028295 A1) meets the following limitation.

The limitation of “authenticating the spare vehicle key and sending the authorization signal from the central station directly to the vehicle” is met by Brinkmeyer et al (US2001/0028295 A1) on page 1, paragraph 6. The user-enabling radio call information represents the authorization signal. The immobilizer is within the vehicle and hence by immobilizer receiving user-enabling information, the vehicle hence also receives this information. The control center represents the central station. Hence the central station sends the authorization signal directly to the vehicle.

It would have been obvious to combine the teachings of Brinkmeyer et al (US2001/0028295 A1) within the system of Brinkmeyer et al (5838251) because authentication of the spare key prevents vehicle allows the person in possession of the spare key to have controlled access to the vehicle in case of vehicle theft or misuse.

With respect to Claim 2, the limitation “wherein at least one data transmission by and between the spare vehicle key, central station and vehicle is encoded” is met by Brinkmeyer et al (5838251) on column 3, lines 62-67; column 4, lines 1-4.

With respect to Claim 3, the limitation “wherein said data transmission occurs in one direction followed by transmission of a confirmation signal in an opposite direction” is met by Brinkmeyer et al (5838251) on column 3, lines 45-52.

With respect to Claim 5, 6, 7 and 8, the limitation of “checking the identification number of the spare vehicle key by the central station includes comparing the identification number of the spare key transmitted from a source other than the vehicle with the identification number of the spare key transmitted from the vehicle, said identification number of the spare vehicle key having been previously transmitted to the vehicle” is met by Brinkmeyer et al (5838251) on column 2, lines 36-46 and on column 3, lines 45-55.

With respect to Claim 9, 10, 11 the limitation “wherein the transmitting acts are performed using telephony” is met by Brinkmeyer et al (5838251) on column 5, lines 36-39.

5. Claims 4, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkmeyer et al (5838251) in view of Brinkmeyer et al (US2001/0028295 A1) in further view of Buhr et al (US 2001/0040966 A1).

With respect to Claim 4, all the limitation is met by the combination of Brinkmeyer et al '251 and Brinkmeyer et al '295 except the use of a public and private key in bi-directional encoding and decoding.

The limitation "wherein bi-directional data traffic in one direction takes place based on a public key and decoding at the central station takes place based on a private key" is met by Buhr et al on page 1, paragraph 10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Buhr within the combination of Brinkmeyer et al so as to allow for asymmetrical encryption of data.

With respect to Claim 12 and 13, the limitation "wherein the transmitting acts are performed using telephony" is met by Brinkmeyer et al '251 on column 5, lines 36-39.

6. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkmeyer et al (5838251) in view of Brinkmeyer et al (US2001/0028295 A1) in further view of Walmsey et al (6374354 B1).

With respect to Claim 14 and 15, the combination of Brinkmeyer et al '251 and Brinkmeyer et al '295 meets all the limitation except that of encoding the transmission with a random number.

The limitation "wherein said transmissions are encoded with a random number" is met by Walmsey et al in the abstract.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Walmsey et al within the combination of Brinkmeyer et al '251 and Brinkmeyer et al '295 so as to allow the encoded transmissions to vary and hence be harder for an attacker to guess.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkmeyer et al (5838251) in view of Brinkmeyer et al (US2001/0028295A1).

With respect to Claim 16, Brinkmeyer (5838251) meets all the limitation except that of a radio receiver being activated by a spare key.

The limitation "wherein before an actual data transmission, a radio receiver in the vehicle is activated by the spare vehicle key" is met by Brinkmeyer et al (US2001/0028295A1) on paragraphs 28, 29 and 30.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Brinkmeyer (US2001/0028295A1) to the system of Brinkmeyer et al (5838251) so as to deactivate the vehicle in case of an attempted break-in.

Allowable Subject Matter

8. Claim 17 is allowed. The following is a statement of reasons for the indication of allowable subject matter: Claim 17 provides the novel feature of the random number used in conjunction with the identification number for authenticating a spare key of a vehicle at a central station.

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As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a). Formal drawings are required to replace the Fig. 1 draft correction submitted 1/14/04.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracey Akpati whose telephone number is 703-305-7820.

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The examiner can normally be reached on 8.30am-6.00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OTA


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